

LAND RECLAMATION COMMISSION

STATE OF MISSOURI

P.O. BOX 176

JEFFERSON CITY, MISSOURI 65102

573-751-4041

Permit To Engage in Surface Mining

LAND RECLAMATION COMMISSION

ISSUES TO

JIM HOEFER

Pursuant to "The Land Reclamation Act," RSMo, 2001, and on conformity with the statements

In the application, a permit is hereby granted to engage in surface mining of sand & gravel in the state of Missouri. The extent of the

Proposed mining operation(s) will be on two acres, more or less.

The locations of the operation(s) under this permit is/are as follows: Renewal

County	Section	Township	Range	Acres Renewed	Acres New	Total Acres	Site/Stream Name	Site Number
Ripley	23	22N	21E	2	0	2	Current River/Hoefer's Gravel Bar	1945

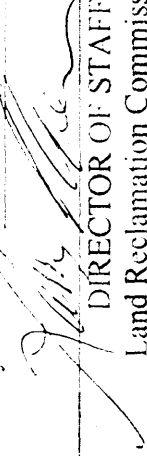
This permit may be suspended or revoked upon violation of any or all of the conditions set forth in "The Land Reclamation Act," RSMo, 2001, or in such rules and regulations as are promulgated pursuant thereto by the Land Reclamation Commission.

IN WITNESS WHEREOF I have hereunto set my hand this

24th

day of

November, 2004

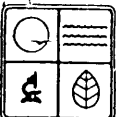

DIRECTOR OF STAFF
Land Reclamation Commission

Permit No. 0908

Effective Date 11/24/2004

Expiration Date 11/13/2005

MO 780-1122 (6-95)



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION
PERMIT RENEWAL FOR INDUSTRIAL MINERAL MINES

RECEIVED

NOV 22 2004

P.O. BOX 176
JEFFERSON CITY, MO 65102-0176

NAME OF CORPORATION, COMPANY, PARTNERSHIP OR INDIVIDUAL <u>Jim Hoefler</u>		MISSOURI LAND RECLAMATION COMMISSION		11118 104	
ADDRESS <u>Rt3 Box 287</u>		CITY <u>Doniphan</u>		STATE <u>mo</u>	ZIP CODE <u>63935</u>
CONTACT PERSON <u>Jim Hoefler</u>				TELEPHONE NUMBER <u>573-996-3227</u>	

FEES: COMPLETE SECTION I OR SECTION II

SECTION I. Fees: Open pit operators and those mining more than 5,000 tons of sand and/or gravel:

1. To compute the site fee complete the information below:

SITE NAME OR NUMBER (add a separate sheet for additional sites)	Mark each month that the site will be operated during the permit year	For sites operated less than six months per permit year pay \$150 For sites operated six months or more per permit year pay \$300
1. <u>Jim Hoefler</u>	<u>1945</u> Jan. Feb. Mar. Apr. May. Jun. Jul. Aug. Sep. Oct. Nov. Dec	\$ <u>300</u>
2.	Jan. Feb. Mar. Apr. May. Jun. Jul. Aug. Sep. Oct. Nov. Dec	\$
3.	Jan. Feb. Mar. Apr. May. Jun. Jul. Aug. Sep. Oct. Nov. Dec	\$
4.	Jan. Feb. Mar. Apr. May. Jun. Jul. Aug. Sep. Oct. Nov. Dec	\$
5.	Jan. Feb. Mar. Apr. May. Jun. Jul. Aug. Sep. Oct. Nov. Dec	\$
6.	Jan. Feb. Mar. Apr. May. Jun. Jul. Aug. Sep. Oct. Nov. Dec	\$
7.	Jan. Feb. Mar. Apr. May. Jun. Jul. Aug. Sep. Oct. Nov. Dec	\$
8.	Jan. Feb. Mar. Apr. May. Jun. Jul. Aug. Sep. Oct. Nov. Dec	\$
9.	Jan. Feb. Mar. Apr. May. Jun. Jul. Aug. Sep. Oct. Nov. Dec	\$
10.	Jan. Feb. Mar. Apr. May. Jun. Jul. Aug. Sep. Oct. Nov. Dec	\$
TOTAL SITE FEE		\$ <u>300</u>

2. Acreage Fee \$5 X _____ number of acres bonded\$

3. Annual Permit Fee\$ 500

4. Total Fee (Add totals from 1, 2 and 3)\$

NOTE: If Total Fee exceeds \$2,500.00 then pay only\$ 2,500

SECTION II. FEES: Sand or gravel operators mining less than 5,000 tons per year:

1. Annual Permit Fee\$ 300

SIGNATURE OF APPLICANT <u>Jim Hoefler</u>	TITLE <u>owner</u>	DATE <u>11/18/2004</u>
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Appeared before me this 18th day of November, 2004, Jimmy L Hoefler
to me personally known, who executed the above as their free acts and deeds.

NOTARY PUBLIC EMBOSSER SEAL	STATE OF <u>Missouri</u>	COUNTY (OR CITY OF ST. LOUIS) <u>Ripley</u>
	SUBSCRIBED AND SWORN BEFORE ME, THIS <u>18th</u> DAY OF <u>November</u> YEAR <u>2004</u>	
	NOTARY PUBLIC SIGNATURE <u>Douglas B Green</u>	MY COMMISSION EXPIRES <u>7-8-06</u>
	NOTARY PUBLIC NAME (TYPED OR PRINTED) <u>Douglas B Green</u>	

Douglas B. Green
Notary Public - Notary Seal
STATE OF MISSOURI
Ripley County
My Commission Expires: 7-8-2006

FOR DEPARTMENT USE ONLY APPROVED BY <u>[Signature]</u>	DATE APPROVED <u>11-24-04</u>	PERMIT NUMBER <u>0908</u>	EXPIRATION DATE <u>11-13-05</u>
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MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION

SAND AND GRAVEL EXCAVATION PLAN

(required by 10 CSR 40-10.020(2)(D)4.)

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NOV 22 2004

P.O. BOX 176

MISSOURI LAND

JEFFERSON CITY, MO 65102-0176

PERMIT NO.

3908

SITE NO. #/ OR NAME

Jim Hoefler

RECLAMATION COMMISSION

Commercial operations that conduct sand and/or gravel removal within the stream banks must comply with the following itemized requirements. The following itemized requirements are designed to protect water quality while allowing for the excavation of sand and gravel from riparian environments. Upon request of the applicant, the program may establish site specific variances to address conditions that may occur at individual locations. To file a request for a variance on one or more of the requirements itemized below, mark the box "YES" that is associated with the variance and then complete a Request For Variance on Page Three of this form. Otherwise, there shall be NO variance from the itemized requirement.

1. Excavation of sand or gravel deposits shall be limited to deposits in unconsolidated areas containing primarily smaller material (at least eighty-five percent (85%) of the material is less than three inches (3") in diameter) that is loosely packed and contains no woody perennial vegetation greater than one and one-half inches (1 1/2") in diameter, measured at breast height, four and one-half feet (4.5').

Variance Requested: ☐ YES

2. An undisturbed buffer of 10-foot width shall be left between the excavation area and the water's edge of the flowing stream at the time of excavation. A buffer zone of adequate width to protect bank integrity should be left between the excavation area and the base of the high bank.

Variance Requested: ☐ YES

3. An undisturbed buffer of 25 feet wide shall be maintained in an undisturbed condition landward of the high bank for the length of the gravel removal site. Disturbed areas in this riparian zone shall be limited to maintained access road(s) for ingress and egress only. No clearing within this riparian area is authorized in association with work authorized by this permit.

NO VARIANCE AVAILABLE

4. Sand or gravel shall not be excavated below water elevation at the time of removal, except:

a. If the stream is dry at the time of excavation, excavation shall not occur deeper than the lowest undisturbed elevation of the stream bottom adjacent to the site. Upon request of the applicant, the excavation depth restrictions may be modified if the staff director determines that a variance would not significantly impact the stream resource.

b. For wet stream reaches, the excavation depth restriction may be modified if it is determined by the staff director that a variance would not significantly impact the stream resource based on the presence of bedrock to prevent head cutting, excessive bedload, gravel rich areas or any other appropriate reason.

Variance Requested: ☐ YES

5. Stream channels shall not be relocated, straightened, cut-off, shortened, widened, or otherwise modified. A stream channel is defined as that area between the high banks of the creek where water is flowing, or in the case of a dry stream, where water would flow after a rain event.

NO VARIANCE AVAILABLE

6. Within thirty (30) days of the removal of excavation equipment from the site, streambank areas disturbed by the removal operation (access points) shall be revegetated or otherwise protected from erosion. For long-term operations (longer than thirty (30) days) or for sites that will be periodically revisited as gravel is deposited, access points shall be appropriately constructed and maintained such that stream banks and access roads are designed and constructed to minimize erosion.

Variance Requested: ☐ YES

7. Any aggregate, fines, or oversized material removed from the site shall be placed beyond the high bank, on a non-wetland site that has been approved by the landowner. No material, including oversized material, that results from excavation activity may be stockpiled or otherwise placed into flowing water or placed against streambanks as bank stabilization unless specifically authorized by a state or federal permit.

Variance Requested: ☐ YES

8. All sand or gravel washing, gravel crushing, and gravel sorting shall be conducted beyond the high bank, in a non-wetland area and away from areas that frequently flood, such that gravel, silt, and wash water that is warm, stagnant, or contains silty material cannot enter the stream or any wetland.

NO VARIANCE AVAILABLE

9. Vehicles and other equipment shall be limited to removal sites and existing crossings. Water shall be crossed as perpendicular to the direction of the stream flow as possible.

Variance Requested: ☐ YES

10. Fuel, oil and other wastes and equipment containing such wastes shall not be stored or released at any location between the high banks or in a manner that would enter the stream channel. Such materials shall be disposed of at authorized locations.

NO VARIANCE AVAILABLE

PERMIT NO. 0908	SITE NO +/- OR NAME Jim Hoefler	NOV 22 2004
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(11) Outstanding Resource Waters (10 CSR 20-7.031)

MISSOURI LAND RECLAMATION COMMISSION

(A) In-stream sand and gravel operations are prohibited from those waters listed as "Outstanding National Resource Waters."

(B) In-stream sand and gravel operations are prohibited from those segments of "Outstanding State Resource Waters" that are owned or managed by a state or federal agency.

NO VARIANCE AVAILABLE

(11) Outstanding State Resource Waters (Non-Government Owned or Managed Land)

(C) All other applications for in-stream sand and gravel operations on "Outstanding State Resource Waters" shall be reviewed individually to determine if specific conditions are necessary to preserve these stream reaches during mining activity. These individual reviews would assist the applicant in focusing on issues of specific concern. The individual review shall include a site visit by DNR staff prior to permit issuance, and annual site inspections by DNR staff during the life of the permit.

Is mining location in an Outstanding State Resource Water? ☐ YES ☒ NO

REQUEST FOR VARIANCE

In accordance with 10 CSR 40 -10.050(14)(B), I hereby apply for a variance from the Sand and Gravel Excavation Plan as it applies to the mine site location submitted with this application on grounds that literal compliance with the Sand and Gravel Excavation Plan is impracticable in my case.

The department's Land Reclamation Program may, in its discretion, grant the application for variance based on submitted information with or without a site visit. The person requesting the variance should therefore include all relevant information with the application. For each variance requested, state in detail the reasons why compliance with the Sand and Gravel Excavation Plan is impracticable.

REQUESTED VARIANCE INFORMATION

SITE NAME	VARIANCE ITEM NUMBER
SPECIFY BASIS/JUSTIFICATION FOR THE VARIANCE	

FOR DEPARTMENT USE ONLY

VARIANCE APPROVED BY	DATE
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REQUESTED VARIANCE INFORMATION

SITE NAME	VARIANCE ITEM NUMBER
SPECIFY BASIS/JUSTIFICATION FOR THE VARIANCE	

FOR DEPARTMENT USE ONLY

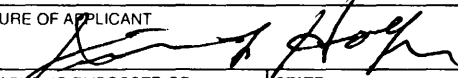
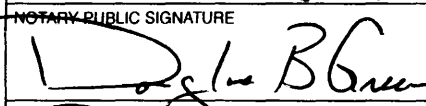
VARIANCE APPROVED BY	DATE
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PERMIT NO. 0908	SITE NO. #/ OR NAME Jim Hoefler	NOV 22 2004
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By my signature, I attest to the following:

MISSOURI LAND
RECLAMATION COMMISSION

- 1) All statements made in this Sand and Gravel Excavation Plan are correct, complete and true to the best of my knowledge.
- 2) I or the company I am authorized to represent intend(s) to protect the stream environment and remove sand and gravel in accordance with these requirements, and in accordance with The Land Reclamation Act Sections 444.760 through 444.790. RSMo (Supp. 2001), and all rules, regulations, orders, decisions, and permits of the Missouri Land Reclamation Commission pertaining to my company's surface mining operation.
- 3) I have a valid agreement with all landowners which gives me the right to grant access to the Director of the Missouri Land Reclamation Commission and his authorized representatives, and I grant such access, and further where I have no right to grant such access, I have attached signed affidavits from the landowners granting such access.

SIGNATURE OF APPLICANT 	TITLE owner	DATE 11/18/04
NOTARY PUBLIC EMBOSSE OR BLACK INK RUBBER STAMP SEAL	STATE Missouri SUBSCRIBED AND SWORN BEFORE ME, THIS 18th DAY OF November YEAR 2004	COUNTY (OR CITY OF ST. LOUIS) Ripley USE RUBBER STAMP IN CLEAR AREA BELOW.
NOTARY PUBLIC SIGNATURE 	MY COMMISSION EXPIRES 7-8-2006	<div style="border: 1px solid black; padding: 5px;"> <p>Douglas B. Green Notary Public - Notary Seal STATE OF MISSOURI Ripley County My Commission Expires: 7-8-2006</p> </div>
NOTARY PUBLIC NAME (TYPED OR PRINTED) Douglas B. Green		

FOR DEPARTMENT USE ONLY

The Land Reclamation Program shall consult with the appropriate agencies as to the presence of state and federal threatened and endangered species in the stream reach in order to avoid jeopardizing the species' continued existence or destroying or adversely modifying the habitat of such species.

CONSULTED WITH (DEPARTMENT/NAME)


MDC - HERITAGE D-BASE

SPECIES OF CONCERN

NONE - LEVEL 1 RESPONSE

ACTION REQUIRED FOR SPECIES PROTECTION

NONE - SEE ATTACHMENT

APPROVED BY 	DATE APPROVED 11-24-04	VARIANCE ITEM NUMBERS APPROVED NONE	VARIANCE ITEM NUMBERS DENIED NONE
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Search Criteria:	
Township (22), Range (2), Section (23) , Direction (E)	
No Response	View Report Level
View Management Practice	
Karst	View Best Practice for Karst
See a Map of Your Query -->	View a Map Your Query
Query Again	



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION
SITE INFORMATION FORM

RECEIVED

JUL 30 2002

To be completed for each separate area of disturbance associated with mining operations.

SITE NAME OR NUMBER <i>Hoefers Gravel Bar.</i>		PERMIT NUMBER <i>0908</i>	
COMPANY NAME <i>Jim Hoefers</i>			
COUNTY <i>Ripley</i>	1/4 SECTION <i>NE</i>	SECTION <i>23</i>	
TOWNSHIP <i>22N</i>	RANGE <i>2E</i>	ACRES <i>2</i>	
RIVER OR STREAM NAME (FOR IN-STREAM ACRES) <i>Current River</i>			
MINERAL COMMODITY <i>Gravel & Sand</i>		ESTIMATED TONS/YEAR (FOR GRAVEL SITES) <i>5,000 or less</i>	

NAME OF LANDOWNER (ATTACH LIST IF MORE THAN ONE) <i>Jim Hoefers</i>		
ADDRESS <i>Rt 3 Box 287</i>		
CITY <i>Doniphan Mo</i>	STATE <i>MO</i>	ZIP CODE <i>63935</i>
SOURCE OF RIGHT TO MINE (CHECK ONE): <input type="checkbox"/> MINERAL DEED <input checked="" type="checkbox"/> WARRANTY DEED <input type="checkbox"/> OTHER (DESCRIBE): _____		DATE OF AGREEMENT <input type="checkbox"/> LEASE <input type="checkbox"/> VERBAL AGREEMENT

MINERAL RIGHTS OWNER (ATTACH LIST IF MORE THAN ONE) <i>Same as above</i>		
ADDRESS		
CITY	STATE	ZIP CODE
SOURCE OF RIGHT TO MINE (CHECK ONE): <input type="checkbox"/> MINERAL DEED <input type="checkbox"/> WARRANTY DEED <input type="checkbox"/> OTHER (DESCRIBE): _____		DATE OF AGREEMENT <input type="checkbox"/> LEASE <input type="checkbox"/> VERBAL AGREEMENT
NOTE: Each site must be shown on a map and be included in a public notice and an approved mine plan.		

JUL 30 2002

TOWNSHIP 22-21N • RANGE 2E

MISSOURI LAND
RECLAMATION COMMISSION

EAST PART POYNOR

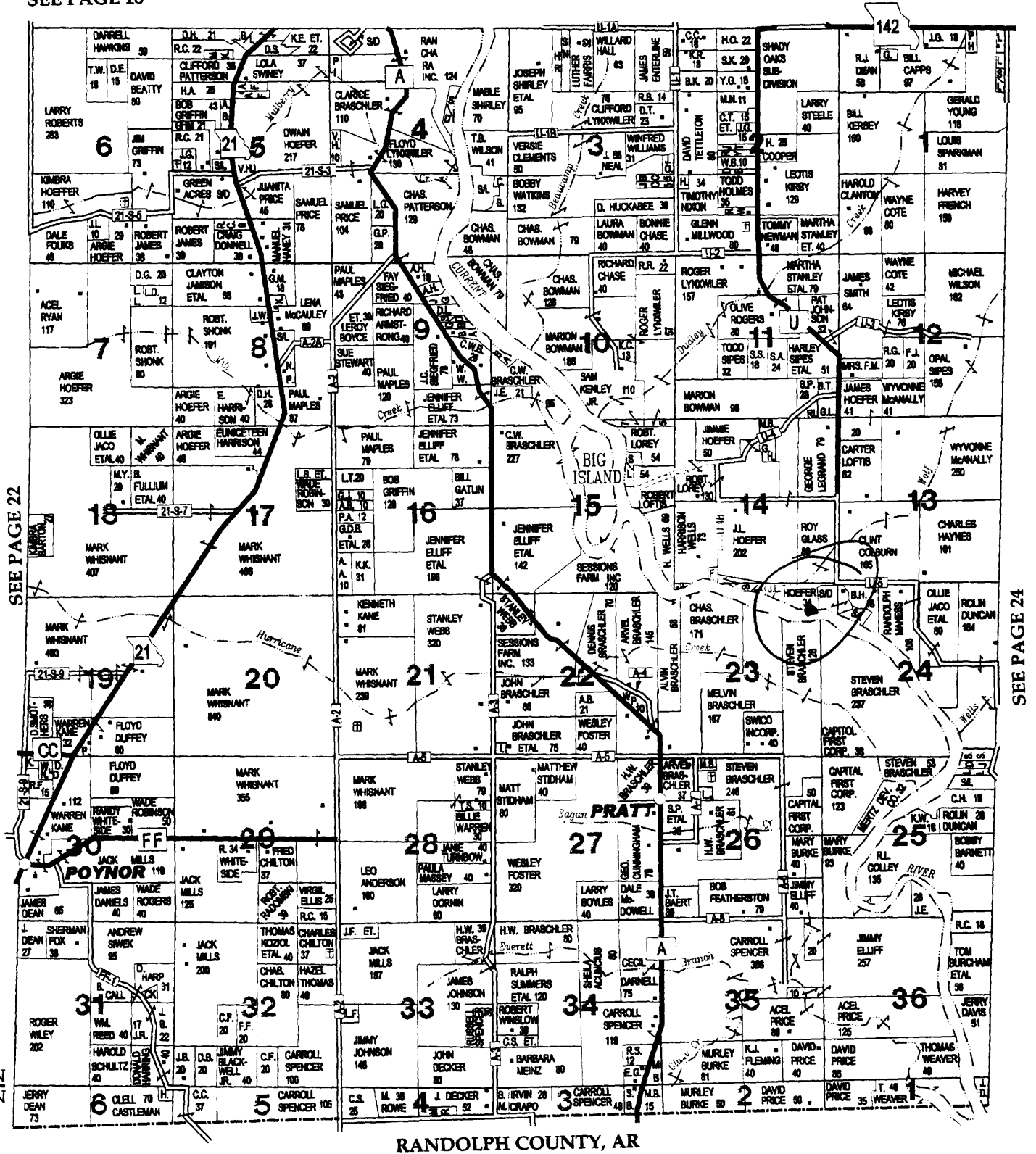
CURRENT RIVER

SOUTH PART DONIPHAN

SOUTHWEST PART DONIPHAN

SOUTHWEST PART HARRIS

SEE PAGE 18



RANDOLPH COUNTY, AR

1990



wy


$$2' = \frac{1}{4} \text{ m. l. e.}$$

504-23 T22N
R2E

7/26/02

by *John H. H. H.*
Landover

9 123 Hoefen Ba